

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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CARL D'ARGENZIO AND BARBARA  
D'ARGENZIO,

Plaintiffs,

v.

BANK OF AMERICA CORPORATION  
f/k/a COUNTRYWIDE BANK, FSB,

Defendant.

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HON. JEROME B. SIMANDLE

Civil No. 09-5604 (JBS/JS)

**ORDER**

This matter having come before the Court upon on the motion of Defendant Bank of America Corporation f/k/a Countrywide Bank, FSB ("Defendant") for reconsideration of this court's order and decision denying Defendant's motion for summary judgment [Docket Item 59]; the Court having held oral argument and considered the submissions of the parties; for the reasons explained in the Opinion of today's date; and for good cause shown;

IT IS this 9th day of **July, 2012** hereby

ORDERED that the Defendant's motion for reconsideration is GRANTED; and it is

ORDERED that the court will grant Defendant's motion for summary judgment as to the Plaintiffs' claim pursuant to the New Jersey Consumer Fraud Act and this claim is hereby dismissed; and it is further

ORDERED that summary judgment will be denied as to

Plaintiffs' Equal Credit Opportunity Act claim, which will promptly be set for trial.

**s/ Jerome B. Simandle**  
JEROME B. SIMANDLE  
Chief U.S. District Judge